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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,381	12/21/2001	Amr Yassin	US 010662	4887

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
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BRIARCLIFF MANOR, NY 10510

EXAMINER

LESNIEWSKI, VICTOR D

ART UNIT	PAPER NUMBER
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2152

MAIL DATE	DELIVERY MODE
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05/18/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/028,381

Applicant(s)

YASSIN ET AL.

Examiner

Victor Lesniewski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 and 17-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The amendment filed 4/5/2007 has been placed of record in the file.
2. Claim 5 has been amended.
3. The rejection of claim 5 under 35 U.S.C. 112 is withdrawn in view of the amendment.
4. Claims 1-15 and 17-20 are now pending.
5. The applicant's arguments with respect to claims 1-15 and 17-20 have been fully considered but they are not persuasive. A detailed discussion is set forth below.

Claim Rejections

6. Claims 17-20 remain rejected under 35 U.S.C. 102(e) as being anticipated by Kimoto (U.S. Patent Number 6,792,577) as presented in the previous action dated 1/5/2007.
7. Claims 1-15 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Kimoto in view of Zintel et al. (U.S. Patent Number 6,910,068), hereinafter referred to as Zintel, as presented in the previous action dated 1/5/2007.

Response to Arguments

8. In the remarks, the applicant has argued:

- <Argument 1>

Kimoto does not disclose the features of claim 20 because he does not disclose "said data packet including said data format preference, wherein said data packet is prepared by the device and transmitted over the network to said data repository" as recited in claim 20.

- <Argument 2>

The combination of Kimoto and Zintel does not disclose the features of claim 1 because it does not disclose “sending a device format preference to said data repository in response to said connecting at a time the device is initially connected to the network” as recited in claim 1.

9. In response to argument 1, Kimoto does disclose the data packet including the data format preference and the data packet being transmitted from the device as recited in claim 20. The previous line citations, column 15, lines 21-34 and column 16, lines 7-9, show that the device sends the style using-right key to the style management module and that this key is used to effectuate creation of the program A introduction data. Concerning the applicant’s arguments, the applicant has not addressed the transfer of information between device 18/68 and system 10 on the network. Instead the applicant discusses the transfer of information between broadcast station 1 and system 10 which is not directly related to the line citations presented in the rejection. For example, the applicant states that “Kimoto teaches that the style sheet provided by the broadcast station is prepared in advance and, thus, is not dependent upon information from the receiving device,” while it has been shown that the creation of the program A introduction data is in fact dependent upon information from the receiving device, that information being the style ID present in the enabled style using-right key.

10. In response to argument 2, the combination of Kimoto and Zintel does disclose sending the device format preference in response to connecting to the network as recited in claim 1. The previous line citations to Kimoto, column 15, lines 21-34 and column 16, lines 7-9, show that the device sends the style using-right key to the style management module as discussed above while

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the previous line citations to Zintel, column 50, lines 23-34 and column 50, line 64 through column 51, line 9, show the ability of a device to automatically send format information upon connection to the network. Concerning the applicant's argument that "The Office Action refers to Zintel for teaching that it would be obvious to change the principles of Kimoto to include the device transmitting the preferred format (i.e., style ID) to the broadcasting stations," it is noted that this is in no way part of the rejection. The rejection refers to Zintel as evidence that automatically sending control information upon a device's connection to a network was well known in the art. See again paragraph 15 of the previous action dated 1/5/2007. Kimoto already teaches a device transmitting a style using-right key to the style management module as discussed above in response to argument 1.

11. In addition, the applicant has argued that claims rejected under 35 U.S.C. 102 and 35 U.S.C. 103, but not explicitly discussed, are allowable based on the above arguments. Thus, claims disclosing similar limitations to the discussed claims and related dependent claims remain rejected under the same reasoning as presented above.

Conclusion

12. **THIS ACTION IS MADE FINAL.** The applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

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will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor Lesniewski whose telephone number is 571-272-3987. The examiner can normally be reached on Monday through Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571-272-3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Lesniewski
Patent Examiner
Group Art Unit 2152



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER